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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,982	01/02/2001	Rod Rigole	RIG/00-0001	1816
22874	7590	05/01/2006		EXAMINER
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/753,982	RIGOLE, ROD
	Examiner CUONG H. NGUYEN	Art Unit 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 December 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12,19 and 20 is/are allowed.
- 6) Claim(s) 13-15 is/are rejected.
- 7) Claim(s) 16-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Office Action is the answer to the communication received on 12/16/05.
2. Claims 12-20 are pending in this application.

### ***Response***

3. The arguments submitted on 12/16/05 are unpersuasive for claims 13-15. The applicant MUST argue what he claims against cited prior art, the examiner would like to point out the applicable parts to pending claim 13:

Claim 13 is directed to a method performed on a network between computers (not necessary that claimed method MUST be performed on IPCS, since cited computer system has claimed communication capabilities); comprising:

- receiving data (said received data may include “specific data” – this data is “non-functional descriptive material” since this does not change anything of a claimed step for “receiving data” (note that IPCS is interpreted as a network computers)).
- querying said database with received data to get a match; and
- presenting matched data.

- The examiner respectfully submits that Fig.2 of Mikurak represents a network communication with consumer computer systems as described in a first limitation of claim 19, i.e., blocks M1, M2, ...M4 represent different manufacturer computers, block 206 represents a middle-man “E-Commerce Market Space”, and blocks SP1, SP2, ...SP4 represent different service providers; blocks 202, 206, and 204 are different entities that talk together in this network communicate environment for “one-stop shopping” configuration of Mikurak.

The examiner submits that Mikurak teaches a similar configuration. Fig.2 of Mikurak presents a model of business-to-consumer with M1, M2 ...M4 are consumers, and SP1, SP2...SP4 are businesses (service providers).

The examiner also respectfully points out that the applicant should consider Mikurak reference as a whole (one with ordinary skill in the art should recognize that Mikurak's reference is within the same field of application in network communications), that means everything that was already suggested by that Mikurak's reference; the examiner particularly cited Fig.19 of Mikurak (even already showing the claimed limitations, each particular function in Fig.19 are further explained in the specification of Mikurak's reference) that contains functional blocks which perform steps claimed by the applicant. The examiner's position is as long as Mikurak's reference suggests claimed functions in the same environment, it meets the claim's limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.*

**4. Claims 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikurak (US Pat. 6,606,744).**

**4.1. Re. To claim 13: Mikurak teaches a method, comprising:**

A. providing means for a system to have network communication with consumer computer systems – this merely a configuration of networking communication between different parties: i.e.,  $M_1, M_2, \dots M_4$  and  $SP_1, SP_2 \dots SP_4$  (see Mikurak, Fig.2);

B. presenting to a consumer, user interfaces for input of consumer profiles (e.g., by user input via computer keyboards, see Mikurak, col. 98 lines 60-67);

C. capturing data input through the user interfaces (i.e., receiving data, see Mikurak, col. 98 lines 60-67); and transferring the data to databases (a database holding consumer profiles - see Mikurak, col. 40 lines 1-5); including a database holding service programs from different service sectors/providers (e.g., for records);

- processing received data by:

(a) finding service programs that match consumer profiles (see Mikurak, Fig.96 ref. 9612); and

(b) allowing consumers to engage in automated billing transactions (see Mikurak col.9 lines 20-22 - billers initiate automatic debits from consumers' bank accounts); and in col.301 lines 40-56), Mikurak teaches in Fig.142: "Sometime later, consumer C receives bill 14120 (arrow 4) and initiates bill payment order 14208 (arrow 5). Bill payment order 14208 includes authorization for service bureau S to withdraw funds from C's account 14112 to pay bill 14120, the amount to pay (not necessarily the amount due on bill 14120), the date on which to pay, and some indication of biller B as the payee. Service bureau S responds with confirmation of receipt 14216 indicating that bill pay order 14208 was received (arrow 6). Consumer C can send bill pay order 14208 in any number of ways, such as using a personal computer and modem, directly or through a packet of other data network, via an automatic teller machine (ATM), video touch screen,

a screen phone, or telephone Touch-Tone.TM. pad (TTP) interacting with a voice response unit (VRU). However this is done, service bureau S receives one or more bill pay orders from consumer C. These orders could be instructions to pay some amount for a bill or a set amount of money at periodic intervals.”).

Mikurak does not name his computer configuration as “Interchange party computer system (IPCS)”, and selectively performing several claimed options.

However, Mikurak’s configuration MAY perform analogous functions of a selective option that MAY claimed by the applicant’s system.

Therefore, Mikurak suggests steps of: receiving consumer profile to query a database for matching, and presenting matched information.

It would have been obvious with one of ordinary skill in the art at the time of invention to implement Mikurak’s configuration to perform extra options as an interchange party computer system such as working as an Automatic Services Monitoring Module or as a Data Mining Module because these are claimed as optional functions that MAY or MAY NOT be performed in the claimed system for the benefit of utilizing other necessary functions in a network-based communication system.

Mikurak also teaches item 12(d): - receiving a consumer profile through a user interface for two above claimed items (see Mikurak, col. 98 lines 60-67, and col. 39 line 53 to col. 40 line 5).

**4.2. Re. To claim 15:** Mikurak suggests a method comprising steps of: automatically enroll/register in a matching service (see Mikurak, Fig. 142 ref. 14206 - doing matching bill payment orders with billers, and Fig. 142, ref. 14209 – an enrollment package); and returning/presenting/displaying that information).

4.3. Re. To claim 14: Mikurak also suggests a method comprising I/O interfaces between computers and network: e.g., exchange query/information about an offer for a service (see Mikurak, col.102 lines 10-27).

*Conclusion*

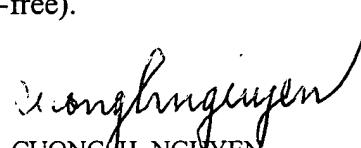
5. Claims 12, 19-20 are patentable; claims 16-18 are objected because they are dependent on rejected claims; and claims 13-15 are unpatentable. THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cuonghnguyen

CUONG H. NGUYEN  
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Art Unit 3661